

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COMCAST CABLE COMMUNICATIONS, LLC, COMCAST OF RICHARDSON, LP;	§	
COMCAST OF PLANO, LP;	§	
COMCAST OF DALLAS, LP,	§	
	§	
Plaintiffs,	§	C.A. No. 1:06-cv-00407-KAJ
	§	
vs.	§	Jury Trial Demanded
	§	
USA VIDEO TECHNOLOGY CORP.,	§	
	§	
Defendant.	§	

**USVO'S MOTION TO DISMISS, STAY OR TRANSFER**

Defendant USA Video Technology Corp. hereby submits this Motion to Dismiss, Stay or Transfer to the Eastern District of Texas, Marshall Division, showing this Honorable Court as follows:

- (1) A case involving infringement of the same U.S. patent and nearly identical products and the same defendants is already on file in the Eastern District of Texas.
- (2) To transfer this case to the Eastern District of Texas and consolidate it with the case already on file would save judicial resources.
- (3) To transfer this case to the Eastern District of Texas and consolidate it with the case already on file would eliminate the possibility of inconsistent or conflicting rulings.

Wherefore, for reasons more fully set forth in Defendant's Memorandum in Support of this Motion, Defendant asks that its Motion for Dismiss, Stay or Transfer be granted.

Date: August 10, 2006

  
Richard K. Herrmann #405

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**RULE 7.1.1 CERTIFICATE**

The undersigned certifies that movants have made reasonable efforts to reach an agreement with opposing counsel on the matters set forth in this Motion but to no avail.



Richard K. Herrmann (#405)

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of August, 2006, I electronically filed the foregoing document, **USVO'S MOTION TO DISMISS, STAY OR TRANSFER**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Kenneth J. Nachbar  
Maryellen Noreika  
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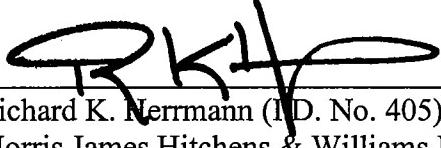
Additionally, I hereby certify that the foregoing document was served as indicated on the following:

**VIA EMAIL ON 8/10/2006 AND HAND  
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